

BINGHAM

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July 13, 2012

VIA ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East - Room N406
Brooklyn, New York 11201

**Re: *In re Apple REITs Litigation*,
Civil Action No. 1:11-cv-02919(KAM)(JO)**

Dear Judge Matsumoto:

We are counsel for defendants David Lerner Associates, Inc. and David Lerner (the "DLA Defendants").

Pursuant to the Court's December 13, 2011 and July 6, 2012 Orders, and Paragraph IV.C.2.c of the Court's Chambers Practices, we today filed the following documents via ECF:

1. Notice of the DLA Defendants' Motion to Dismiss, dated April 18, 2012;
2. Memorandum of Law In Support of the DLA Defendants' Motion to Dismiss, dated April 18, 2012;
3. Declaration Of Michael D. Blanchard In Support of the DLA Defendants' Motion to Dismiss, dated April 18, 2012, with Exhibits A-K;
4. Reply Memorandum of Law In Support of the DLA Defendants' Motion to Dismiss, dated July 13, 2012; and
5. This letter.

We have also arranged for delivery of two courtesy copies of the above documents to the Court.

The DLA Defendants respectfully request oral argument in connection with their Motion to Dismiss.

Respectfully,


Kenneth I. Schacter

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